

1 *E-filed on* 9/28/06

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 ALBERTA ROSE JONES,

NO. C-03-02703

12 Plaintiff,

ORDER DENYING RULE 59 MOTION

13 v.

14 STEVE KODA et al.,

15 Defendants.


16 On September 30, 2005 this court dismissed this action for failure to diligently prosecute and
17 entered judgment against the plaintiff. On October 21, 2005 plaintiff filed a motion captioned
18 "RULE 59 MOTION IN CASE OF OCTOBER 11, 2005 ORDER DISMISSING THIS CASE." In
19 this order, plaintiff complains that she did not receive an evidentiary hearing as she requested on her
20 previous motions. She also states that she "never received a copy of the October 11, 2005 final entry
21 made by the Court," though the caption of her motion indicates that she is at least aware of it.¹
22 Plaintiff further alleges that *pro se* litigants are treated differently by the court system.

23 Rule 59 deals with motions for new trials. However, even considering plaintiff's motion as
24 one from relief from a judgment under Rule 60(b), plaintiff has not show that her situation justifies
25 relief from the judgment in this case. She does allege any mistake, present any evidence that could
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27 ¹ Court records indicate that plaintiff was mailed a copy of the dismissal order and judgment on
28 October 5, 2001.

1 not have been discovered earlier, claim fraudulent conduct by the other side, show the judgment is
2 void or has been satisfied, or otherwise justify relief from the judgment. Plaintiff's post-judgment
3 motion is therefore denied.

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5 DATED: 9/26/06



RONALD M. WHYTE
United States District Judge

1 Copy of Order mailed on _____ to:

2 Alberta Rose Jones
3 1144 Tangerine Way
4 Sunnyvale, CA 94807

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6 Plaintiff

7 Gregory M. Gentile
8 Ropers, Majeski, Kohn & Bentley
9 80 North First St.
10 San Jose, CA 95113

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12 Counsel for Defendant
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